IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4198 OF 2006

Shri Rashmin Jayantilal Sethiya .. ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr.P.K.Dhakephalkar, Sr.Counsel with Mr. S.U.Dhakephalkar for applicant

Mr.Rajesh More, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 27TH NOVEMBER, 2006

P.C.:

1. Heard Mr. Dhakephalkar, learned Sr. Counsel appearing for the applicant-original accused no.7.

2. The learned APP has invited my attention to the FIR, copy of which is annexed at Exh.A and the Remand Application dated 14th November, 2006.

3. After having perused the above, in my view, on the own showing of the prosecution the role of the applicant-original accused no.7 is limited in the crime. He is not part of the dacoity which was allegedly

committed. The prosecution itself refers to him as a jeweller to whom the stolen property has been handed over and sold by the members of the gang which committed dacoity.

4. Mr. Dhakephalkar states that assuming without admitting that this is the role of the applicant in the crime, he has been in the jewellery business and there is no denial of the assertion which has been made in that behalf at page 7 para 5(o) of this application even in the trial court.

5. In these circumstances, considering the role which is attributed to the applicant and in facts peculiar to him he can be enlarged on bail even if the investigations are in progress. Nothing has been pointed out to indicate that the applicant being enlarged on bail would either be a hindrance or obstacle for further investigation. Hence, the following order:

ORDER :

(i) The applicant arrested in connection with

C.R.No.I-111 of 2006 registered with Azad Nagar Police Station, Malegaon shall be enlarged in the sum of Rs.25,000/= each with one or two local sureties in the like amount.

(ii) The applicant would report to Azad Nagar Police Station, Malegaon once in a week till the charge-sheet is filed and subsequently as per directions of the trial court.

(iii) The order of bail will be given effect only after the Applicant furnishes to the investigating officer the details about his place of residence and addresses where they proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of the trial without prior intimation to the investigating office.

(iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trail may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion of the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(viii) Parties to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J.)